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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-542**

12 **MICHAEL JOHN WOODS, JR.**
698 E. Browning Avenue
13 Fresno, CA 93710

A C C U S A T I O N

14 Registered Nurse License No. 496257

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about August 31, 1993, the Board issued Registered Nurse License Number
23 496257 to Michael John Woods, Jr., ("Respondent"). The license was in full force and effect at
24 all times relevant to the charges brought herein and will expire on October 31, 2012, unless
25 renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct....;

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

7. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian.

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1 8. Health and Safety Code section 11173, subdivision (a) states:

2 No person shall obtain or attempt to obtain controlled substances, or
3 procure or attempt to procure the administration of or prescription for controlled
4 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by
5 concealment of a material fact.

6 **COST RECOVERY**

7 9. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **CONTROLLED SUBSTANCES**

12 10. "Demerol" a brand of meperidine hydrochloride, a derivative of pethidine, is a
13 Schedule II controlled substance as designated by Health and Safety Code section 11055,
14 subdivision (c)(17), and a dangerous drug pursuant to Code section 4022, in that under federal
15 and state law it requires a prescription.

16 11. "Dilaudid" is a trade name for hydromorphone, a Schedule II controlled substance
17 pursuant to Health and Safety Code section 11055, subdivision (b)(1)(K), and a dangerous drug
18 pursuant to Code section 4022, in that under federal and state law it requires a prescription.

19 12. "Morphine" is a Schedule II controlled substance pursuant to Health and Safety
20 Code section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Code section 4022,
21 in that under federal and state law it requires a prescription.

22 13. "Vicodin" is compound consisting of 5 mg hydrocodone bitartrate also known as
23 dihydrocodeinone and 500 mg acetaminophen per table, and is a schedule III controlled substance
24 as designated by Health and Safety Code section 11056, subdivision (e)(4) and a dangerous drug
25 pursuant to Code section 4022, in that under federal and state law it requires a prescription.

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FIRST CAUSE FOR DISCIPLINE

(Obtain and Possess Controlled Substances in Violation

of Law; Self-Administration)

14. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that by his own admission, Respondent committed the following acts:

a. On or about July 2, 2006, and between November 25, 2006, and November 29, 2006, while on duty as a registered nurse at Saint Agnes Medical Center, Fresno, California, Respondent obtained the controlled substances Demerol, Dilaudid, and Morphine by fraud, deceit, misrepresentation, or subterfuge by taking the drugs from hospital supplies in violation of Health and Safety Code section 11173, subdivision (a).

b. On or about July 2, 2006, and between November 25, 2006, and November 29, 2006, while on duty as a registered nurse at Saint Agnes Medical Center, Fresno, California, Respondent possessed the controlled substances Demerol, Dilaudid, and Morphine without lawful authority in violation of Code section 4060.

c. On or about July 2, 2006, and between November 25, 2006, and November 29, 2006, while on duty as a registered nurse at Saint Agnes Medical Center, Fresno, California, Respondent self-administered the controlled substances Demerol, Dilaudid, and Morphine.

d. On or about June 7, 2010, Respondent self-administered the controlled substance Vicodin.

SECOND CAUSE FOR DISCIPLINE

(Used Controlled Substances to an Extent or in a Manner

Dangerous or Injurious to Himself or Others)

15. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that while on duty as a registered nurse at Saint Agnes Medical Center, Fresno, California, Respondent used the controlled substances Demerol, Dilaudid, and Morphine to an extent or in a manner dangerous or injurious to himself or others.

THIRD CAUSE FOR DISCIPLINE

(Falsify or Make Grossly Inconsistent, Incorrect or Unintelligible

Entries in Hospital/Patient Records)

16. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (e), in that on or about July 2, 2006, and between November 25, 2006, and November 29, 2006, while on duty as a registered nurse at Saint Agnes Medical Center, Fresno, California, Respondent falsified or made grossly inconsistent, incorrect or unintelligible entries in the following patient/hospital records:

Patient A

a. On July 2, 2006, at 0829 hours, Respondent withdrew a 2 mg syringe of Dilaudid from the Accudose System for this patient when there was no physician's order. Respondent failed to document the wastage of any portion of the Dilaudid or otherwise account for the disposition of the Dilaudid in any patient or hospital record.

Patient B

b. On November 25, 2006, at 0032 hours, Respondent withdrew a 2 mg syringe of Dilaudid from the Accudose System for this patient. Respondent charted the administration of 0.5 mg of Dilaudid at each time at 0125 hours, 0140 hours, and 0155 hours for a total of 1.5 mg. Respondent failed to account for the disposition of the remaining 0.5 mg of Dilaudid in any patient or hospital record.

c. On November 25, 2006, at 0200 hours, Respondent withdrew 10 mg of Morphine from the Accudose System for this patient. Respondent failed to chart the administration or wastage of any portion of the Morphine or otherwise account for the disposition of the Morphine in any patient or hospital record.

d. On November 25, 2006, at 0209 hours, Respondent withdrew 25 mg of Demerol from the Accudose System for this patient when there was no physician's order. Respondent failed to chart the wastage of any portion of the Demerol in any patient or hospital record or otherwise account for the disposition of the drug.

1 e. On November 25, 2006, at 0318 hours, Respondent withdrew a 2 mg syringe of
2 Dilaudid from the Accudose System for this patient. Respondent failed to chart the
3 administration or wastage of any portion of the Dilaudid in any patient or hospital record or
4 otherwise account for the disposition of the drug.

5 **Patient C**

6 f. On November 28, 2006, at 1939 hours, Respondent withdrew a 2mg syringe of
7 Dilaudid from the Accudose System for this patient when there was no physician's order.
8 Respondent failed to chart the wastage of any portion of the drug or otherwise account for the
9 disposition of the Dilaudid in any patient or hospital record.

10 g. On November 29, 2006, at 0432 hours, Respondent withdrew a 2 mg syringe of
11 Dilaudid from the Accudose System for this patient when there was no physician's order.
12 Respondent failed to chart the wastage of any portion of the Dilaudid in any patient or hospital
13 record or otherwise account for the disposition of the Dilaudid.

14 **Patient D**

15 h. On November 29, 2006, at 0432 hours, Respondent withdrew a 2 mg syringe of
16 Dilaudid from the Accudose system for this patient when there was no physician's order.
17 Respondent failed to chart the wastage of any portion of the Dilaudid in any patient or hospital
18 record or otherwise account for the disposition of the Dilaudid.

19 i. On November 29, 2006, at 0434 hours, Respondent withdrew 25 mg of Demerol from
20 the Accudose System for this patient. Respondent failed to chart the administration or wastage of
21 any portion of the Demerol in any patient or hospital record or otherwise account for the
22 disposition of the Demerol.

23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 496257 issued to
27 Michael John Woods, Jr.;

1 2. Ordering Michael John Woods, Jr., to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.
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6 DATED: _____

12/15/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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